

Appl. No. 09/675,997
Amtd. dated December 19, 2003
Reply to Office Action of October 22, 2003

REMARKS

In the Office Action dated October 22, 2003, claim 42 was rejected under 35 U.S.C. § 102 over U.S. Patent No. 6,513,015 (Ogasawara); claims 3-11, 18-23, 25, 27-30, and 32-37 were rejected under § 103 over U.S. Patent No. 5,572,653 (DeTemple) in view of U.S. Patent No. 6,091,956 (Hollenberg) and U.S. Patent Publication No. 2002/0077130 (Owensby); claims 13 and 26 were rejected under § 103 over DeTemple, Hollenberg, Owensby, and U.S. Patent No. 5,086,394 (Shapira); claim 16 was rejected under § 103 over DeTemple; Hollenberg, Owensby, and Ogasawara; claim 17 was rejected under § 103 over DeTemple; Hollenberg, Owensby, Ogasawara, and U.S. Patent No. 6,237,145 (Narasimhan); and claims 38 and 39 were rejected under § 103 over DeTemple in view of Ogasawara¹.

Claim 38 has been cancelled to render its rejection moot.

TELEPHONIC INTERVIEW ON DECEMBER 17, 2003

Applicant thanks the Examiner for the telephonic interview conducted between the Examiner and Applicant's attorney, Dan C. Hu. During the telephonic interview, the § 102 rejection of claim 42 and the § 103 rejections were discussed. No agreement regarding the allowability of the claims was reached during the telephonic interview.

In the telephonic interview, the Examiner confirmed that the § 103 rejection of claims 3-11, 18-23, 25, 27-30, and 32-37 is over only two references (DeTemple and Owensby), rather than the three references (DeTemple, Hollenberg, and Owensby) identified in the Office Action. The Examiner indicated that the inclusion of Hollenberg in the introductory sentence of paragraph 6 on page 3 of the Office Action was a clerical mistake. The Examiner also confirmed that the § 103 rejection of claims 13 and 26 (in paragraph 7 on page 7 of the Office Action) is over DeTemple, Hollenberg, and Shapira (Hollenberg was also mistakenly included in the rejection). Similarly, the rejection of claim 16 (in paragraph 8 on page 8 of the Office Action) is over DeTemple, Hollenberg, and Ogasawara; and the rejection of claim 17 is over DeTemple, Owensby, Ogasawara,

¹ It is unclear which combination of references claims 14 and 15 were rejected over. However, it appears that the rejections of claims 14 and 15 is also over the asserted combination of DeTemple, Hollenberg, and Owensby.

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and Narasimhan. Applicant's remarks below are based on the above modified § 103 rejections of the claims.

REJECTION OF CLAIM 42 UNDER 35 U.S.C. § 102 OVER OGASAWARA

Ogasawara fails to disclose a sub-system to track the location of a person, with a controller to receive images from *different ones of a plurality of cameras* based on where the person is located, in combination with the controller creating a video album from the received images. In Ogasawara, when a user enters a store, a picture is taken of the person as he or she enters the store. This photograph (or still image) of the person is used by sales personnel to identify the user. There is no indication whatsoever in Ogasawara of receiving images from *different ones of a plurality of cameras* based on *where the person is located* and creating a video album from the received images.

The Office Action cited to column 3, lines 23-27, and column 4, lines 27-30, as teaching the receipt of video images from different ones of a plurality of video cameras based on where the person is located. The cited passage in column 3 refers to interrogator units found at door entrances for reading customer ID cards. Such interrogator units are not video cameras, as recited in claim 42. The cited passage in column 4, lines 27-30 refers to a single video camera provided at the entrance 12 (see Figure 1). Throughout the description in Ogasawara, only one video camera 24 is described and depicted.

Therefore, it is respectfully submitted that Ogasawara does not teach a sub-system to track the location of a person, and a controller to receive video images from *different ones of a plurality of video cameras* based on *where the person is located*. Ogasawara also does not disclose the controller to create a video album from the received video images from the *different ones of the plurality of video cameras*.

§ 103 REJECTIONS

Claim 3 is allowable over the asserted combination of DeTemple and Owensby. As conceded by the Office Action, DeTemple fails to disclose sending information to present to a user on one of a plurality of fixed presentation devices in the proximity of the user based on a determined location of the user or based on user profile information. Instead, reliance was made on Owensby as disclosing these features. Owensby is

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directed at presenting information at a mobile device that a subscriber is carrying. See Owensby ¶¶ [0010], [0011]. Thus, Owensby also does not disclose or suggest the following two elements of claim 3:

- sending information to present to a user on one of *fixed* presentation devices in the proximity of the user based on the determined location;
- sending information to present to the user on one of the fixed presentation devices based on user profile information of interest to the user.

Because neither DeTemple nor Owensby teaches or suggests either of the elements listed above, their hypothetical combination also does not teach or suggest the missing elements.

In the § 103 rejection of DeTemple and Owensby, the Office Action disregarded the teachings of the references in their entirety, focusing instead on individual elements, and picking and choosing among such elements to combine the elements to achieve the claimed invention. This is a classic example of using impermissible hindsight to piece together elements from prior art references to assert an obviousness rejection, where no motivation or suggestion exists for the combination. When the references (DeTemple and Owensby) are considered in their entirety, neither reference teaches or suggest the elements listed above.

Because the hypothetical combination of DeTemple and Owensby fails to teach or suggest each and every element of claim 3, the *prima facie* case of obviousness fails for at least this reason.

Moreover, there is simply no motivation or suggestion to combine the teachings of DeTemple and Owensby. DeTemple teaches display tags 16 that are fixed in position to convey pricing and other information about a particular item of merchandise the display tag is associated with. DeTemple, 4:50-53. Figure 1 of DeTemple also shows a fixed advertisement display 30. The key point of DeTemple is that the display tags are fixed in location. Therefore, the DeTemple system has absolutely no need for the mobile elements disclosed by Owensby. Owensby teaches sending targeted messages to a subscriber of a wireless mobile communications service. Owensby, ¶ [0010]. Such targeted messages are sent to a mobile terminal associated with the subscriber. Owensby,

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¶ [0011]. There is absolutely no need for sending targeted messages to mobile terminals in the DeTemple system. In fact, use of the mobile terminals of Owensby in the system of DeTemple would render the system of DeTemple inoperative for its intended use. DeTemple focuses on displaying price and other information relating to products that a particular display is associated with. Necessarily, such displays have to be placed in close proximity to their associated products. Otherwise, the information contained in the displays would be meaningless. This is exactly what would happen if the mobile terminals of Owensby were incorporated into the DeTemple system. Because modifying DeTemple with the targeted message presentation mechanism disclosed in Owensby would render the system of DeTemple inoperative for its intended purpose, there can be no motivation or suggestion to combine the teachings of DeTemple and Owensby.

For this additional reason, a *prima facie* case of obviousness has not been established with respect to claim 3.

Independent claim 18 is allowable over the asserted combination of DeTemple and Owensby for similar reasons. No motivation existed to combine the teachings of DeTemple and Owensby, and further, the hypothetical combination of DeTemple and Owensby does not disclose or suggest a controller to retrieve information relating to a location of a user and to communicate information to present on one of a plurality of fixed presentation devices in the proximity of the user as determined by the location information.

Similarly, with respect to independent claim 29, no motivation or suggestion existed to combine the teachings of DeTemple and Owensby, and further, the hypothetical combination of DeTemple and Owensby does not teach or suggest sending information to one of plural fixed presentation devices located at respective fixed locations, with the one fixed presentation device selected based on the location for the user.

Dependent claim 39 has been amended from dependent form to independent form, with the scope of the claim remaining *unchanged*. Claim 39 was rejected over the asserted combination of DeTemple and Ogasawara. As conceded by the Office Action, DeTemple does not teach receiving video data collected from cameras in the proximity for the user and storing the video in a video album. Reliance was made on Ogasawara as

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teaching this feature. However, this reading of Ogasawara is in error, as Ogasawara does not teach or suggest storing video data received from *plurality of cameras as the user changes location*, and storing the video data received from the plurality of cameras as the user changes location in a video album. Therefore, the hypothetical combination of DeTemple and Ogasawara fails to teach or suggest the subject of claim 39.

All dependent claims are allowable for at least the same reasons as corresponding independent claims.

In addition, dependent claims 13 and 26 were rejected over the combination of DeTemple, Owensby, and Shapira. As discussed above, because the combination of DeTemple and Owensby is improper, and because the hypothetical combination of DeTemple and Owensby fails to teach or suggest elements of base claim 3 (for claim 13) and base claim 18 (for claim 26), the asserted combination of DeTemple, Owensby, and Shapira cannot render claims 13 and 26 obvious. Also, a further defect in the rejection of claim 13 is that Shapira fails to disclose or suggest sending information to present to a user on one of a plurality of fixed presentation devices in the proximity of the user based on one or more common interests of multiple users. With respect to claim 26, Shapira fails to disclose or suggest the controller to communicate information to present on one of a plurality of fixed presentation devices in the proximity of the user based one or more common interests of a plurality of users.

Claim 16 was rejected over the combination of DeTemple, Owensby and Ogasawara. As discussed above, there was no motivation or suggestion to combine DeTemple and Owensby. Therefore, the combination of DeTemple, Owensby, and Ogasawara is also improper. Furthermore, the asserted combination of DeTemple and Owensby fails to teach or suggest the elements of base claim 3--as a result, the combination of DeTemple, Owensby, and Ogasawara also fails to teach or suggest the elements of claim 16.

Claim 17 was rejected under § 103 over DeTemple, Owensby, Ogasawara, and Narasimhan. Again, because the combination of DeTemple and Owensby is improper, the combination of DeTemple, Owensby, Ogasawara, and Narasimhan is also improper. Also, because the combination of DeTemple and Owensby fails to teach or suggest

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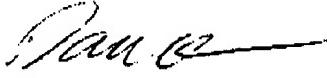
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elements of base claim 3, the hypothetical combination of Owensby, Ogasawara, and Narasimhan would also fail to teach or suggest the elements of claim 17.

In view of the foregoing, all claims are in condition for allowance, which action is respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 20-1504 (NRR.0009US).

Respectfully submitted,


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Date

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